

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Healthcare System, 4801 Veterans Drive St. Cloud, MN 56303, 618-14-3-040-1112. This is a BRAND NAME ONLY justification for other than full and open competition.

2. **Nature and/or Description of the Action Being Processed:**

Firm fixed price purchase order for Pentax endoscopes that are compatible with the existing Pentax endoscope Image Video Processor equipment currently utilized at the Minneapolis VA.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The agency needs a qty of 3 Key Pentax Rigid Laryngoscopes model 9106, which is a small diameter rigid endoscope, used to perform examinations of the larynx. Also, the agency needs a qty of 3 Pentax Fiber Nasolaryngoscopes model FNL-10RP3, which is a diagnostic tool used for patient examinations without the need to invert the scope. Additionally, the agency needs a qty of 1 Pentax-compatible Hand-held Leak Tester model LKT-002, which is a handheld leak tester used specifically for Pentax endoscope models.

Est Cost:

Est Delivery: 30 days ARO

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements, 41 U.S.C. 3304(a)(1) as implemented by FAR 6.302-1.
- () (2) Unusual and Compelling Urgency, 41 U.S.C. 3304(a)(2) as implemented by FAR 6.302-2.
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services, 41 U.S.C. 3304(a)(3) as implemented by FAR 6.302-3.
- () (4) International Agreement, 41 U.S.C. 3304(a)(4), as implemented by FAR 6.302-4.
- () (5) Authorized or Required by Statute, 41 U.S.C. 3304(a)(5) as implemented by FAR 6.302-5.
- () (6) National Security, 41 U.S.C. 3304(a)(6) as implemented by FAR 6.302-6.
- () (7) Public Interest, 41 U.S.C. 3304(a)(7) as implemented by FAR 6.302-7.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

The Minneapolis VA Health Care System requires Pentax Endoscope components that interface with their current Pentax Endoscope Image Video Processor equipment, model PSV-4000. Only Pentax brand name components are compatible. This procurement will be solicited as Brand Name Only as there are multiple vendors that can provide these items.

Another brands parts would require the purchase of replacement parts for all of our Pentax Endoscopes, an entirely different Endoscope Image Video Processor equipment, as well as Biomed School and clinical training, resulting in additional costs.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

This procurement will be solicited as Brand Name Only to provide for competition.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Because this is a commercially available product it is anticipated that the price will be fair and reasonable.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

GSA was researched for potential vendors. Three vendors that have GSA contracts provided informal quotes as part of market research. All three vendors (Pentax Medical, Surgical Repairs International, and The Surgical Equipment People) stated that they can only provide these items via Open Market. Attempts were made to obtain informal quotes from other vendors, but the vendors were either unresponsive or unable to provide a quote for all or some of the parts required. For instance, WES Endoscopy was only able to provide a quote for some, but not all parts required. On the other hand, Life Systems, Dobbs Medical Sales, Endoex and MD Endoscopy, Medical Recovery Company and Pro Scope Systems, were unresponsive to our inquiry.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: None

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

In the future if the items being requested are needed, the requesting service will perform market research to try to identify other compatible products and compete this requirement.